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C O N F I D E N T I A L SECTION 01 OF 03 BAKU 001729

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [CASC](#) [AJ](#)

SUBJECT: AZERBAIJAN IN MUTED SHOCK OVER CLOSURE OF
INDEPENDENT ANS TELEVISION; AMBASSADOR URGES FM MAMMADYAROV
TO RESOLVE SITUATION

REF: A. BAKU 1714

[1](#)B. BAKU 1713

Classified By: AMBASSADOR ANNE E. DERSE PER 1.4(B,D)

[1](#)1. (C) SUMMARY: Azerbaijani society remains in a state of muted disbelief following the GOAJ's surprise decision to close independent ANS Television and evict several independent media outlets from their downtown offices. The Coordination Council Union of Public Interest Organizations, an umbrella organization of opposition party leaders, civil society members and media representatives, met November 27 to review the current situation. At this meeting, opposition leaders decided not to freeze activities as previously discussed, and the group agreed to meet December 1 to determine the Council's mandate and next steps. Protests initially organized for today, November 28, were canceled, and there are no plans for immediate public protests.

[1](#)2. (C) SUMMARY CONTINUED: Separately, the Ambassador met Foreign Minister Mammadyarov November 27 to express our concern once more and to urge the GOAJ to resolve the situation. The Ambassador also participated in a November 27 meeting of OSCE Member States Ambassadors, where all agreed that the upcoming OSCE Ministerial would be a key opportunity to press our concerns both publicly and privately. In spite of Presidential Chief of Staff Ramiz Mehdiyev's assurances that the evicted organizations would have full access to their possessions, the Popular Front Party and opposition Bizim Yol and Azadliq newspapers do not have full access. Nevertheless, Azadliq newspaper has continued publishing unabated, and Turan News Agency's website is up and running. Finally, ANS' bank accounts were briefly frozen on November 27, and ANS Vice President Mirshahin Agayev was questioned by prosecutors. November 28 afternoon press reports indicate that ANS President Vahid Mustafayev has now been summoned to the Prosecutor General's office. END SUMMARY

[1](#)3. (SBU) Azerbaijani society remains in a state of muted shock and disbelief following the GOAJ's surprise November 24 decision to close independent ANS Television and evict the Popular Front Party (PFP) and several media outlets from their downtown office building. While business continues as usual in Baku, Azerbaijanis are quietly sharing their shock over the abrupt closure of Azerbaijan's most widely viewed television station. ANS has been an integral part of the political and social culture of this post-Soviet society, and Azerbaijanis simply cannot believe that it is no longer on the air. On November 27, a group of intellectuals and national artists published a letter appealing to President Aliyev to restore ANS broadcast. The group outlined the important role that ANS played in the national independence movement and noted that the station contributed to Azerbaijan's "spirit of patriotism." Protests organized by

the Journalists Union that had been planned for today, November 28, were canceled, and there are no plans for immediate public protests. Democratic Reforms Party Chair and MP Asim Mollazade said that his party has called for the rebroadcast of ANS and that he plans to suggest the creation of a Parliamentary working group to investigate the overall media situation.

14. (C) Opposition leaders, joined by media representatives and members of civil society, met November 27 under the rubric of the newly formed Coordination Council Union of Public Interest Organizations. Turan News Agency Chief Mehman Aliyev told Poloff that the Council was created on November 23 to advance media freedom and freedom of assembly in light of the past six months' developments. The Council had barely established a mandate when ANS was taken off the air and the opposition was evicted from the 33 Khagani street location on November 24. At the Council's first meeting after the November 24 events, the Azadliq bloc opposition leaders pushed for a freeze on all opposition activities, which at that time only Musavat Chairman Isa Gambar opposed (see ref a). At the November 27 meeting, the opposition decided not to freeze activities. The next concrete step will be a December 1 meeting to define the Council's mandate and next steps, as there is a push from group members to expand the Council's purview to all human rights issues. Aliyev told Poloff that he hoped the Council would provide a vehicle for opposition leaders to overcome petty differences and to present a united platform for democratic change that was supported by civil society. (NOTE: Aliyev was elected as working chair for the Council's November 27 meeting, reportedly because he is viewed by members as unbiased.)

FM MAMMADYAROV BLAMES ANS CLOSURE ON "BUREAUCRATIC STUPIDITY"

BAKU 00001729 002 OF 003

15. (C) In a November 27 meeting with Foreign Minister Elmar Mammadyarov, the Ambassador asked Mammadyarov to urge the President to take measures to reverse actions that create a clear public perception that the GOAJ has launched an all-out assault on democracy and media freedom. The Ambassador noted that President Aliyev's successful visit to Washington had created a good foundation to move the bilateral relationship forward in a number of areas, but she emphasized that the closure of ANS and the eviction of the tenants of the Azadliq newspaper building will negatively impact these efforts. Noting the legal and technical issues that may be at stake - as Presidential Chief of Staff Ramiz Mehdiyev had insisted (see ref a) - the Ambassador said that these issues do not alter political perception. She underscored the fact that the world is convinced that Azerbaijan has launched an assault against media freedom and democracy. The Ambassador told Mammadyarov that in a November 25 meeting, Ramiz Mehdiyev had restated Azerbaijan's commitment to democracy and asked the Ambassador, along with the U.K. and German Ambassadors, who had also attended the meeting, not to consider these measures as a backwards step. She also noted that Mehdiyev had promised that the evicted organizations would not be obstructed in their activities and their belongings and equipment would be turned over to them.

16. (C) Mammadyarov was visibly uncomfortable and made only a cursory effort to defend the recent developments as legally grounded, noting that Secretary Rice had once told him that "democracy has its ups and downs." The Ambassador reminded Mammadyarov of DRL A/S Lowenkron's scheduled December 18-19 visit to initiate a dialogue on democracy. She said that plans to launch a high-level economic dialogue, as well as other initiatives in the works could be affected by the recent developments. The Ambassador highlighted the importance of President Aliyev's remarks in Washington that underscored the GOAJ's commitment to political reform, and urged Mammadyarov to ask him to reaffirm Azerbaijan's commitment to democratic development and Euro-Atlantic

institutions. In addition, she said, Azerbaijan needs to take steps to show that there is no policy to target the press and democracy. The Ambassador also noted that the Embassy is examining claims that the decision on ANS may violate Azerbaijani law. She emphasized that while the legal issues are being addressed, it is important to find a way to allow ANS to continue broadcasting.

17. (C) Mammadyarov asked if the Embassy had urged ANS to reach out to the National Television and Radio Council (NTRC) to initiate a dialogue to resolve this issue. The Ambassador noted that it is not the Embassy's role to mediate this domestic issue, but added that the Embassy had received a copy of a letter sent by ANS to the NTRC suggesting such a dialogue, and supported the idea. Mammadyarov was pleased to hear this and agreed to call Mehdiyev and others to urge them to begin talks. He pointed out his difficult position, noting that while he plays a direct role in the outstanding Voice of America and BBC broadcasting issue, there is sensitivity about his involvement in this domestic issue. Mammadyarov acknowledged the importance of public perception, but noted that all companies, regardless of political affiliation, must comply with regulations. The key here, he said, is to de-politicize the issue. Mammadyarov welcomed the Ambassador's suggestion to ask President Aliyev to reaffirm his commitment to democratic principles and agreed to find an early opportunity to have him do so, noting that the CIS Summit in Minsk might not be the right venue. The Foreign Minister concluded by noting that he thought the whole issue was a result of "bureaucratic stupidity" and promised to raise the issue with both Mehdiyev and the President.

OSCE MEMBER STATE AMBASSADORS STRATEGIZE NEXT STEPS

18. (C) Separately, OSCE Baku Head of Mission Pavesi convened a meeting of OSCE member state ambassadors November 27 to review the sudden turn of events. German Ambassador Stanchina, speaking on behalf of the EU presidency, told the group about the U.S., U.K. and German Ambassadors' November 25 meeting with Presidential Chief of Staff Ramiz Mehdiyev and senior Apparatus officials (see ref a). The ambassadors agreed on the need for tangible action to be taken in response to recent events. All agreed that next week's OSCE Ministerial in Vienna was one key opportunity for the international community to take public and private measures to address the GOAJ actions in light of its OSCE, COE, NATO and bilateral commitments. OSCE also reported that it would raise the ANS closure, the opposition eviction and continued lack of freedom of assembly in Azerbaijan at an early

BAKU 00001729 003 OF 003

December meeting with senior GOAJ officials in Strasbourg. The German Ambassador said that Finland's (EU Presidency) Ambassador Teri Hekala will visit Azerbaijan this week, which will underscore the seriousness of the EU's concern. (NOTE: On November 28, German Poloff told us that the EU will likely make a statement at the upcoming November 30 OSCE Permanent Council meeting in Vienna through the Italian mission to the OSCE.) Outside the OSCE Ambassadors' meeting, in response to press questions, the Ambassador restated our strong concern about the actions taken by the GOAJ.

UPDATE ON ANS AND THE EVICTIONS

19. (SBU) ANS Television and Radio remain off the air, but the ANS website is up and running. ANS Officials reported that the GOAJ froze the company's bank accounts over the weekend, but said that they had expected this to happen and had transferred assets to other accounts and paid company employees on November 25. The accounts subsequently were unfrozen on November 27. Separately, the Prosecutor General's office summoned ANS Vice President Mirshahin Agayev. Agayev was ostensibly called to the PGO's office in connection with an eight month old copyright infringement investigation

concerning a book ANS had previously published. November 28 afternoon press reports indicate that ANS President Vahid Mustafayev has now been summoned to the PGO's office as well, which Mustafayev had previously told PAO he was expecting. ANS also announced the cancellation of its planned 15th anniversary celebration which was slated to be held November 26 at Heydar Aliyev Palace, a downtown Baku concert hall. The manager of the facility told reporters that the cancellation was due to "technical failures."

¶10. (C) Contrary to assurances given by Presidential Chief of Staff Ramiz Mehdiyev that all evicted organizations would have access to their possessions, PFP, Bizim Yol and Azadliq newspaper do not have full access. PFP officials and Bizim Yol newspaper staff report that although they have access to their possessions at the building designated by the State Property Committee, police officers - claiming to be under orders from Minister of Internal Affairs Ramil Usubov - would not allow the organizations to move equipment out of the building to their preferred site, the headquarters of the Azerbaijan Democratic Party (a privately-owned building). Bizim Yol has not been published since the eviction, already missing three issues. Azadliq newspaper reports that its possessions were dumped in the basement of the building that houses the office that the State Property Committee designated for the paper, but that police will not allow staff to move equipment from the building to their preferred site, the Yeni Musavat newspaper building (also a privately-owned building). Further, the offices in which Azadliq newspaper staff are now supposed to work are still occupied by another company. So far, staff have been able to continue publishing Azadliq using Yeni Musavat's equipment. Turan news agency reports that, after negotiations with GOAJ officials, staff have been able to access all of their equipment and relocate much of it to Turan's new office - the former Azadliq Radio building, located across the street from the former Azadliq newspaper building. Turan's Internet news service is up and running, but its new office does not currently have a sufficient number of phone lines and the building has electrical problems. (NOTE: As we received these reports on November 26, we informed both the Presidential Apparat and the Foreign Minister, and reminded the GOAJ of Mehdiyev's assurance that the evicted organizations would have full access to their possessions - see ref a.)

COMMENT

¶11. (C) The closure of independent ANS Television and Radio represents a severe blow to media freedom in Azerbaijan. As public opinion surveys have consistently demonstrated, most Azerbaijanis have relied on ANS for their daily news for the last 15 years. While no one is taking to the streets to protest the closure, our contacts report that almost everyone in Azerbaijan is hoping that President Aliyev will reverse this decision, and indeed several citizens' groups have called on him to do so. In our view, the GOAJ underestimated the impact ANS' closure would have on the international community. A steady drumbeat of both public and private messages is necessary to overturn this decision. We urge the Department to consider making a strong statement at the November 30 OSCE Permanent Council meeting and, if appropriate, suggest the Department also consider raising this issue in the upcoming OSCE Ministerial.

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